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immigrant workmen in management plans, and by making those plans intelligible to them.

When we have obtained such economic cohesion between native and foreign born at home we may then present a united effort in our conquest of foreign markets, in the expansion of our financial transactions, and in the full discussion of international affairs to which we must eventually be a party, but from much of the knowledge of which we are at the present time isolated.

Neither will this country achieve economic assimilation by multiplying organizations, by extending mechanical agencies, or by creating formal facilities like classes in public schools, unless there is a genuine fusion of economic interests. Each race as well as the native American must by study and by association together arrive at a recognition and just appraisal of each other's qualities and capabilities. Each race as well as the native American must arrive at a full reciproc-

ity which will permit of the initial exchange of ideas and ideals, by association together in work and business. Each race as well as the native American must arrive at that point of participation in American affairs which makes this greater than participation in any other affairs—in this way the identity of interest of all people in America becomes permanent and broad and therefore sound.

In casting about for the leadership which this complicated racial, business and governmental situation requires, the Immigration Committee of the Senate of the United States under the distinguished leadership of its Chairman, himself a student of immigration affairs, seems to possess the requisite power to assemble the data in this country and abroad and to make such an analysis as is required for calm deliberation, as well as the capacity to formulate for submission to the country a sound policy which will recognize the international difficulties while safeguarding American interests.

## The New Flood Tide of Immigration A Policy and a Program

By The National Committee for Constructive Immigration Legislation,  
Henry W. Jessup, J.D., Chairman

### THE COMING IMMIGRATION

**I**MMIGRATION from Europe has already returned to its prewar volume, so far as its numbers are concerned. Available indications promise a flood in the coming few years vastly larger than any that has ever come in the past. Honorable Frederick A. Wallis, Commissioner of Immigration for the port of New York, estimates that "four to five million Italians are waiting a chance to come. Sixteen steamship companies have stated that they could book at once enough immigrants to fill their space

for ten years to come." Surgeon-General Cummings stated in October, 1920, on his return from south Russia, that seven millions were making plans to come to America. Tens of thousands have already left their homes in Italy and central Europe and are now stranded in various ports, big cities and border lands, waiting for transportation.

### AMERICA'S IMMIGRATION PROBLEM

This new flood tide constitutes a fresh problem for America to solve. Can she wisely admit all who knock at

her doors? Even with immigration at the rate before the war (1900-1914) many large congested areas of foreign nationalities developed in our principal cities. Americanization of the newcomers has gone on only with difficulty. In June, 1919 our foreign-born population numbered approximately 17,000,000. Of these, 75 per cent are located in 18 per cent of our territory, and 72 per cent are in our cities. These are serious facts. In addition to the foreign born now here, can America afford to admit each year several millions more?

This problem has several distinct aspects.

1. *The Question of Assimilation and Americanization.* We have been able to assimilate millions of immigrants from northwestern European peoples, and wholesomely to incorporate them into our life and body politic. For a century we have been doing this rather successfully. This was during the period when public land was free for settlement. What is now left is poor land, and the newcomers, unattracted by the land, gravitate into and remain in the city centres. But we are not quite certain yet how successful we have been with the more recent immigration—that from southern, central and eastern Europe. The time has been too short. The flood came in (1900-1914) too fast and it settled in congested areas. It appears to many very doubtful whether we could in any proper sense and in any reasonable length of time assimilate and Americanize a new flood tide from southern and eastern Europe, if, in addition to the still unassimilated peoples of those lands now here, we should admit two or three millions yearly for the next ten years.

2. *The Problem of Making Our Democracy a Success.* Unless the immigrants who settle permanently

among us become quite thoroughly Americanized, the success of our democratic form of government is endangered. Fair and free discussion of political questions and policies, honest voting, loyal acceptance of majority decisions, rejection of demagogues and of all appeals for the use of violence or fraud in the establishment of government—these are essential characteristics of our democracy. The peoples of Europe, particularly from those parts of Europe whence our newer immigration has been coming, do not know or understand or prize these principles. By admitting them therefore in excessive numbers, there is grave danger to the success of our democracy.

3. *The Economic Question.* America has developed certain ideals of industry, of wages and of living standards for our industrial classes, far higher than those of other lands. We wish all the children of all our people to have full opportunity for the highest development. We hate child labor; we demand free education for all. We want an intelligent and educated people.

Free immigration from Europe under the present conditions will complicate and may endanger these ideals and standards. Life for the workers in Europe is burdened with restrictions and loaded down by taxation. The suffering and sorrow of the great war has fallen mainly on the toilers. Conscription in every land, save England, hangs like a pall over the people. America appears to them all as the one land of hope and opportunity. The inevitable result is an enormous volume of prospective immigration to America whatever may be the economic conditions here. They will take work at any price. They will accept any wages offered. They will live and work under any conditions, however unsatisfactory. Their condition, they be-

lieve, would be better than that which exists in their home lands.

If the work to be done will not suffice to provide employment for all the newcomers in addition to all those now here, there would result a discharge of the older workers (who are demanding high wages and insist on maintaining "American ideals and standards"), and the employment in their stead of the newcomers at lower wages and longer hours. When a million or two unemployed men in factory towns—Americans and foreign born—find their needs and their protests disregarded by the nation, trouble may begin. There are many who fear that riots, burning of factories and forcible stoppage of employment of new foreigners will break out here and there. In any event, the discontent of the unemployed may, if manifested on a large scale, expose our democracy to a severe and serious strain.

If the foregoing diagnosis of the present situation be correct, and if this forecast of the consequences of our present policy of unrestricted immigration be regarded as well grounded, then loyal Americans will welcome the real solution.

Two alternative proposals are now before the country.

#### THE FIRST POLICY

This is the proposal of the American Federation of Labor. It demands the complete stoppage of all immigration. This proposal is the natural reaction in sharp antithesis to the present practice of free immigration. It urges the imperative necessity of maintaining present standards of living, labor and wages. It also insists on the need of Americanizing the millions of foreigners now here before we admit still other millions of newcomers.

This policy finds favor with many patriotic Americans unidentified with

organized labor. As against the present practice of admitting all who may come to us, many Americans of the commercial and agricultural classes would prefer the policy of complete stoppage of immigration.

#### THE SECOND POLICY

This is proposed by the National Committee for Constructive Immigration Legislation. It advocates the scientific regulation of immigration. It does not propose either the complete stoppage of immigration or its unlimited admittance. It urges that the amount of immigration which may be admitted wisely in any given year depends on facts which are not generally known and which can not be known until patient, scientific investigation has been made of two distinct sets of factors; one social, the other economic.

Neither Congress nor the people as a whole has at present adequate knowledge on which to base a hard and fast immigration law that would be really wise and safe for us, or fair and friendly to the peoples clamoring for entrance.

What is needed is a law that will define certain principles for the guidance of decisions, that will set up the requisite machinery for getting the needed facts; and that will provide an agency for evaluating those facts and for applying the principles in the light of the facts, so that the immigration allowed may be steadily adjusted to the ever changing economic, industrial and social conditions.

We contend that this policy, if adopted, will create an automatic barometer of admissibility of assimilable immigration.

The policy and program advocated by the National Committee are based upon and embody the following *General Principles*:

1. That all legislation dealing with

immigration and with resident aliens should be based on justice and goodwill as well as on economic and political considerations.

2. That the United States should so regulate, and where necessary, restrict immigration in order to provide that only so many immigrants of each race or people may be admitted as can be wholesomely Americanized.

3. That the number of those individuals of each race or people already in the United States who have already become Americanized affords the best practicable basis of measuring the further immigration of that people.

4. That American standards of living should be protected from the dangerous economic competition of immigrants, whether from Europe or from Asia.

5. That no larger amount of immigration of any given people should be admitted than can find steady employment and can fit wholesomely into our social, political and economic life.

6. That such provisions should be made for the care, education and distribution of aliens who come to live permanently among us as will promote their rapid and genuine transformation into American citizens and thus maintain intact our democratic institutions and national unity.

7. That the standards of naturalization should be raised so as to include among other requirements at least the ability to read an ordinary American newspaper, some real knowledge of the history of the United States and an intelligent acceptance of the practices and ideals of our democracy.

8. That under careful regulation as to numbers and qualifications of permitted immigration from the various peoples, the privilege of acquiring citizenship by those who are lawfully here and are to remain a permanent part of our population should then be granted

to all who actually qualify, regardless of race.

On the basis of these general principles the National Committee for Constructive Immigration Legislation has prepared the draft of a bill (H. R. 14196)<sup>1</sup> which has been introduced in the House of Representatives by Honorable Benjamin F. Welty.

#### PRINCIPAL FEATURES OF THE PROPOSED LAW

1. The bill creates an Immigration Board to consist of the Secretaries of State, Labor, Commerce, Interior and Agriculture and a sixth member appointed by the President and confirmed by the Senate. This Board is to collate and analyze the facts in regard to economic conditions and to the assimilation of the different peoples already among us. In the light of the principles and facts, it is empowered to determine yearly the maximum number of immigrants of each people to be admitted to the United States.

2. Its decision shall be based on:

(a) The demonstrated assimilability of each people as shown by the last preceding United States Census, in regard to the number of each people who have become citizens by naturalization and also the number of American-born children of that people.

(b) Labor conditions in the United States, whether industrial, agricultural, domestic or other.

(c) The maintenance of American standards of living and wages.

(d) The fitness and availability of each people for general or for special needs, and for various localities.

3. The Board is required to study and report upon the question of distribution of immigrants.

4. The bill makes a distinction between "transients" and "immigrants."

<sup>1</sup> See Bill, p. 218.

All aliens are required on entering the United States to give a Pledge of Obedience to our laws.

5. The standards for the acquisition of citizenship by naturalization are raised, as indicated above in General Principles seven, and the privilege of citizenship is offered to everyone who will duly qualify.

6. Laws now existing that contravene our treaties, that discriminate between peoples and that are in conflict with the above provisions are repealed.

#### ADVANTAGES OF THE PROPOSED LAW

1. The proposed law will admit as immigrants from each people only so many as we can hope to Americanize—because it will allow an immigration of newcomers of any given people only in proportion to the previously proved ability of that people to assimilate wholesomely into our life.

2. The proposed law will provide a competent board to deal continuously with the ever-changing problems of immigration as they arise, with power (a) to adjust from year to year according to our economic and industrial needs the amount of immigration from each people, (b) to deal with special exigencies of labor and of human needs, and (c) to investigate thoroughly and comprehensively the basic problem of the distribution of immigration.

3. It will protect American labor from dangers of unregulated immigration, and help maintain American economic, social and hygienic labor standards.

4. It will tend to stabilize business by preventing extreme fluctuations of available labor which result in over-production and then in stagnation of business with unemployment of labor, causing incalculable suffering, anxiety and loss, and increasingly ominous unrest.

5. It will raise the standards of naturalization, promote more intelligent practice of citizenship and secure a higher efficiency for our democracy.

6. It will prevent a sudden large influx from any new people having few, if any, representatives already among us, and restrain immigration from peoples that do not readily assimilate with our people; yet at the same time it will increasingly open the doors to those who do assimilate.

7. It will give privileges of citizenship to every individual who will properly qualify for the same.

#### PROBABLE EFFECT OF THE PROPOSED LAW

How is such a law likely to work out in practice? What amount of immigration would be annually admitted? The reply is that it would depend first upon the investigations and then upon judgments of the Immigration Board.

Some peoples become assimilated sooner than others. Different peoples prefer different occupations on entering the United States. In view of these two facts the Board is allowed, therefore, considerable latitude in dealing with the amount of immigration to be admitted from different peoples. In no case, however, may the Board set a figure for any given people higher than 10 per cent of the American-born children plus the naturalized American citizens credited in the Census to that people. If the Board should grant to each people the maximum sum, it is estimated that the permissible immigration from northwest Europe for the year ending 1921 would be about 1,800,000, and from south, central and east Europe about 500,000.

If, for instance, in the judgment of the Board, the total volume of labor immigration needed for the fiscal year beginning July 1, 1921, were 1,000,000, it would fix on such sums for the differ-

ent peoples as would admit the required number.

When there is manifest need for it, the Board could absolutely stop all immigration. And at any time when the need for stoppage is clearly passed, the Board could at once open the doors to let immigration in again—either in smaller or larger amounts as the ascertained facts might then seem to warrant.

It will thus be seen that on the basis of the proposed law it is not possible to make detailed statistical forecalculations of the amount of immigration that would probably be admitted annually for each people, nor of the degree of restriction that may be applied.

Exactly this is the special merit of the proposed law—it will make possible the continuous annual adjustment of the total volume of immigration to the actual and ever-changing economic conditions and even to the special needs of different areas in the United States, and yet will do it always in the light of the assimilability of each people as shown by our growing experience.

#### THE PROBLEM OF AMERICA'S RELATIONS WITH ASIA

One of the important advantages of the proposed immigration law is that it will solve fundamentally the problem of dealing with China and Japan. We need a method that is fair and friendly, yet one that does not endanger the Pacific Coast with a flood of immigration from Asia.

No more important and difficult problem confronts America than that of establishing the right relation with those ancient and mighty peoples across the Pacific. That ocean is to be the theater either of the friendly coöperation of the East and the West, of the White and Yellow Races, or of their fratricidal conflict and mutual

destruction. America has the fateful opportunity of deciding which it shall be. The prospect is already ominous, not to say alarming.

Of course America can not grant immigration to the industrial millions of Japan and China; but in stopping their immigration, it is of the utmost importance, nay it is imperative that our laws shall be fair and friendly, undiscriminating, free from discourtesy in word and form. We must make it clear that in our act there is no assumption of arrogant race superiority on our side nor implication of race inferiority on theirs.

When we forbid or limit immigration we should provide also that for those few Asiatics who are among us and who will remain among us indefinitely there shall be complete equality of treatment and opportunity. Anything less than this will fail to fulfill the conditions absolutely necessary for the permanent maintenance of amity and goodwill.

The proposed bill meets these various conditions. Asiatic immigration can be completely and permanently stopped, on the ground of proven non-assimilability, yet without one offensive word or phrase. Present race-discriminatory, humiliating or offensive laws and agreements will be repealed; our treaty pledges to China, now violated, will be kept. The most fundamental causes of irritation between America and Japan will be removed.

#### THE CHIEF OBJECTIONS

Every new proposal encounters questions and objections. This is as it should be. If the proposal can not fairly meet the questions, it is manifestly unwise and impracticable. Some questions are based on misunderstanding, some are captious, some deal with real difficulties. We may consider a few of them.

1. *Can Congress rightly surrender its legislative functions to a small Board?*

The bill does not make such a proposal. It proposes that Congress shall deal in a large and general way with the whole question, settling upon certain principles for the scientific regulation of immigration. The Board is to find out the facts and apply the principles prescribed by Congress. Its work, therefore, is one of investigation and then of administration. The procedure to be followed by the Board does not differ in principle from that of the Interstate Commerce Commission or any other administrative department or bureau of the Government. Each one has to exercise its discretion and judgment in the administration of the law. The Bureau of Immigration is doing this all the time in deciding, for instance, who are and who are not "likely to become public charges," who are anarchists, polygamists, etc. The new law only proposes a new step in the regulation of immigration. Congress by legislative act decides the principles and the procedure; the Board administers them.

2. *Is it not dangerous to create an Immigration Board with such great powers? Can any small group of men be supposed to have the knowledge and wisdom necessary for such a task?*

It is probably true that no Board can be expected to have adequate qualifications. But such a reply is not final. For the problem as a whole is not yet considered nor met. What will be the result? We must have one of the following: (1) free immigration as at present with exclusion of only those few individuals who are manifestly defective, (2) complete stoppage of all immigration, or (3) some method for regulating the volume of immigration. If the third plan is really the wise one, fair to all and safe for us, then we must ask by what agency such a method is

to be administered. We can hardly commandeer angels from heaven nor Solons from Greece. What better course, then, is there than the establishment of some such Board as is proposed?

3. *May not the proposed Board be exposed to sinister economic, racial and political influences?*

Assuredly it will be so exposed. Among the difficulties in administering our present laws these same influences are known to exist. We can not abolish them. We must have men who will not yield to them. Can a responsible group of men be found, administering great trusts who are not exposed to sinister influences? Does that fact make it unwise to give to trustees, commissions or boards such responsibilities?

It is to be remembered, however, that the proposed Board is not permitted to make sheer arbitrary decisions. It must search for facts. It must publish them. It must make its decisions in the light of the facts. What more can be asked? The make-up of the Board, however, is a guarantee of efficiency.

4. *Will not years be required to secure the requisite information? And in the meantime will not the Board have to make arbitrary decisions?*

Yes, perhaps so. In the main outlines, however, the economic situation is fairly well known already; and so too is the matter of the congestion of certain nationalities; also the degree of their Americanization. For a few years, perhaps, the decisions of the Board may be based on information that is incomplete. But as the Board operates, it will gather increasing knowledge and gain riper experience. A body of facts will be accumulated and also knowledge of the effect of its decisions on the country and on international relations. Decisions will



bring results; results will influence decisions. Gradually, as the years pass in the administration of the law, we will accumulate both knowledge and wisdom. This is indeed the whole method of human progress.

#### CONCLUSION

The World War ended the old world order. A new world faces America, tremendously near at hand and terrifying. Ocean barriers are no more. Space is abolished. Europe is about to pour in upon us an avalanche of race-conscious individuals filled with national passions and preconceptions.

Old Asia is waking to new life. She resents treatment that lacks courtesy and is intrinsically humiliating. She is learning to use the titanic forces of nature that have given temporary pre-eminence to peoples of European origin.

Is America to be overwhelmed by an immigration we can never Americanize? Shall we follow principles and policies in our dealings with Asia that can only end in tragedy for both the white and the yellow races?

America has an unparalleled opportunity to serve the whole world. But to do it she must remain American. She must refuse to be either Europeanized or Asiaticized. She must admit to her land no more of any people than she can Americanize. And she must find a way by which to treat all peoples and races as brothers and friends.

Both of these considerations we submit require the prompt enactment of an immigration law on the lines above described. It is better to have a Board with power to suspend immigration for a time and then readmit under wise restrictions than to adopt a law barring all immigration for a fixed term of years.

66TH CONGRESS, 2ND SESSION

H. R. 14196

#### IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1920

Mr. WELTY introduced the following bill; which was referred to the Committee on Immigration and Naturalization and ordered to be printed.

#### A BILL

To amend the Acts of February 5, 1917; June 29, 1906; February 18, 1875; and May 6, 1882, creating an Immigration Board, providing for the regulation of immigration, raising the standards of naturalization, extending its privileges to all who qualify, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act of February 5, 1917, "regulating immigration of aliens to and residence of aliens in the United States," is amended by adding at the end thereof the following:

"The word 'immigrant' includes any alien entering the United States not a 'transient.'

"The word 'transient' shall be construed to include aliens of the 'status or occupations' specified in section 1b (3) who enter the United States for limited periods.

"The word 'board' means the Immigration Board created by this Act.

"The term 'ethnic group' shall in each case be construed by the commission as provided for in section 1a (2)."

#### SECTION 1a. AN IMMIGRATION BOARD.—

(1) That an Immigration Board is hereby created consisting ex officio of the Secretaries of State, Labor, Commerce, Agriculture, and Interior, and a sixth member appointed by the President and confirmed by the Senate who shall hold his office for a term of four years or until his successor is appointed and qualified. The presidential appointee shall be chairman of the board

and shall receive, when engaged on official duty, \$40 per diem, with actual expenses of travel and \$6 per day in lieu of subsistence when absent from home on official duty. The chairman of the board shall have power to employ a permanent secretary at a salary of \$5,000 per annum and such other employees as the board may authorize, and to prescribe the salary of each.

(2) The board shall in each case define and interpret the term "ethnic group," taking into consideration questions of race, mother-tongue affiliation, nationality, and such other relationships as tend to constitute group unity.

(3) The board shall, as soon as practicable, institute a comprehensive inquiry into policies and methods of distribution of immigration, shall publish the results of the investigation in full, not later than two years from the beginning of the inquiry, and shall carry on all further work necessary to bring the approved results of the investigation effectively before the public.

(4) The board shall make such rules and regulations regarding the admission of immigrants as shall enable it fully to enforce the provisions of the immigration laws; and also the necessary rules and regulations in regard to passports, certificates, and declarations required by this Act, including such matters as certificates of official status, court records, receipt of charity funds, or other facts deemed necessary by the board.

(5) The board shall invite the secretaries of each of the States to report in January of each year in regard to—

(a) The amount of unemployment prevailing in the State the previous year as shown by the best available statistics of employment bureaus and other reliable evidence;

(b) The kinds of industries and occupations in which shortage of labor existed in said year; and

(c) The kind of immigration especially desired in that State, if authorized thereto by vote of the State legislature.

(6) The chairman of the board shall in February of each year present to the board a printed report showing:

(a) The number of alien immigrants of any given ethnic group admitted to con-

tinental United States during the next preceding fiscal year, and, so far as the figures are available, the total number so admitted of each such group in each year since 1900;

(b) The number, originally belonging to such ethnic group, who have been naturalized and were residing in continental United States as shown by the last available United States census;

(c) The number of American-born children whose foreign-born father or mother belong to any such ethnic group, and which children are residing in continental United States as shown by the last available United States census;

(d) The amount of unemployed and also of labor shortage during the preceding year, as reported by the secretaries of the different States; and

(e) The officially expressed desire of each State for specific kinds of immigration.

(7) The chairman of the board shall, upon complaint of any citizen or association, investigate the management of immigration stations at ports of entry. The Secretary of Labor shall, upon the report of the chairman of the board, take steps to correct any abuses or neglect of duty.

(8) The chairman of the board shall prepare a brief and simple statement of the rights and duties of aliens residing in the United States, which shall be printed both in English and in the various languages of aliens entering the United States, a copy of which statement in his language shall be given at the time of making the pledge of obedience to each alien over sixteen years of age, as provided in section 1d (1).

(9) The chairman of the board shall prepare or have prepared a textbook on "American citizenship" for the use of aliens seeking to qualify themselves for naturalization. It shall be simple in style, attractive in form, shall not exceed forty thousand words, and shall contain what every alien desiring to become a citizen shall be required to know concerning the history of the American people; the principles, ideals, and methods of the Government of the United States; the rights and duties of citizens and the principles and requirements of personal and public

hygiene. This textbook, when authorized by the board, shall serve as the basis upon which the courts granting papers of naturalization shall judge of the intellectual qualifications of applicants for citizenship.

SEC. 1b. ADMISSION OF TRANSIENTS.—

(1) That aliens entering the United States as transients, excepting accredited representatives and officials of foreign Governments, shall present proper passports stating among other things, the purpose of the visit and the expected length of that visit, not to exceed three years. The passports of students may specify six years as the period. Aliens possessing such passports who desire to extend the period of residence in the United States may secure permission for such extension from the Commissioner General of Immigration. The regulations providing for such extension shall be prepared by the board.

(2) Any alien entering as a transient who remains in the United States beyond the period specified in his passport without securing from the Commissioner General of Immigration permission for the extension of the period of his visit shall be taken into custody and deported according to the provisions of sections 19, 20, and 21 of the Act of February 5, 1917.

(3) Aliens permitted to enter the United States as transients must be persons of the following status or occupations:

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers or other professional persons, students provided with their own funds or guaranteed support by their own Governments or by institutions or friends in the United States, authors, artists, merchants, and travelers for curiosity, health, or pleasure, their legal wives or their children under sixteen years of age, or their personal and domestic servants who shall accompany them or who subsequently may apply for admission to the United States; but such persons with their legal wives and foreign-born children and servants who fail to maintain in the United States the specified status or occupation shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in sections 19, 20, and 21 of the Act of February 5, 1917.

(4) Alien students who are admitted as transients shall not be regarded as having lost that status by reason of having secured temporarily some gainful occupation on condition that they maintain regular attendance in high school, college, or university, the nature of the schools to be specifically defined and the requisite regulations to be prescribed by the board.

SECTION 1c. THE ADMISSION OF IMMIGRANTS.—(1) That in April of each year the board shall determine the maximum number of aliens of each ethnic group to be admitted as immigrants to the United States during the fiscal year next following. Such determination shall be based on the report of the chairman of the board provided for in section 1a (6) and shall have regard to—

(a) The demonstrated assimilability of each ethnic group;

(b) The maintenance of American standards of living and wages;

(c) The amount of unemployment and labor shortage in the United States;

(d) The general labor and economic conditions in the different parts of the United States; whether among industrial, agricultural, domestic, or other workers; and

(e) The adaptability of each particular group to fulfill the requirements and to meet the needs.

(2) The board shall in no case set the number of admissible immigrants from any single ethnic group above 10 per centum of a basic figure composed of those of that group in the United States who were—

(a) American-born citizens whose foreign-born father or mother belong to such ethnic group and which children were residing in continental United States as shown by the last available United States census; and

(b) Naturalized citizens who were residing in continental United States as shown by the last available census.

(3) An alien of any given ethnic group returning from a visit abroad, who, before leaving for such visit, had declared his intention of becoming a citizen of the United States, shall be readmitted to the United States without reference to the amount of permissible immigration of said ethnic group as determined by the board.

(4) The Commissioner General of Immigration shall promptly send to the American consuls and also the transportation agencies in American ports which commonly bring aliens to the United States, the determination of the board as to the maximum permissible immigration for the various ethnic groups for the ensuing fiscal year, and shall make suitable arrangements for their publication both in American and foreign ports. He shall also publish a monthly statement throughout the ensuing fiscal year showing the maximum number as established by such determination by the board, of aliens of each ethnic group who may be so admitted to the United States during the current fiscal year, together with the number of aliens of each such ethnic group already so admitted during that year and shall send such reports promptly to the American consuls in all ports from which aliens commonly sail for the United States. When 75 per centum of such maximum number of aliens of any ethnic group have been so admitted for the current fiscal year, a similar statement with respect to the aliens of such ethnic group shall be issued weekly thereafter.

(5) In case of the arrival of immigrants of any given group at a port of entry after the permissible number of immigrants of such group has been admitted, they shall be refused admission, but the father or grandfather, over fifty-five years of age, the wife, mother, grandmother, unmarried or widowed daughter, or son not over sixteen years of age, sent for by any member of such group lawfully a resident in the United States, shall nevertheless be admitted. Such admissions shall be made the first charge on the permissible immigration of such ethnic group for the year next following.

(6) The board may increase at any time the maximum immigration permitted to any given ethnic group, but a notice of not less than three months must be given of a proposed decrease to be enforced during any current fiscal year, and shall make such regulations as may be deemed necessary to prevent congestion of immigration at any period of the fiscal year, to avoid inconvenience to the transportation companies, and to avoid hardships to the

immigrants, because of the provisions of this Act.

(7) Transportation agencies bringing alien immigrants who arrive after the permissible immigration of such aliens has been exhausted shall carry such aliens back to the port of debarkation free of charge. The Secretary of Labor shall prepare and authorize the rules, regulations, and penalties for the enforcement of this provision.

(8) The Secretary of Labor shall be the final judge as to the facts in the application of this Act in all cases of doubt affecting the admission of individual immigrants.

SECTION 1d. PLEDGE OF OBEDIENCE.—

(1) That every adult alien entering the United States, excepting accredited officials of foreign Governments, shall be required to file with the immigration officials at the port of entry a sworn statement printed both in English and in the language of the alien, pledging obedience to the laws of the United States and of the States in which he may reside. The form of such statement shall be prescribed by the chairman of the board.

(2) Every adult alien except transients, upon admittance to the United States, shall in such pledge or agreement declare the intention of learning the English language and of becoming acquainted with the methods of this Government and with the ideals and institutions of this country. A duplicate of this pledge shall be given to the declarant.

(3) Such pledge or agreement shall be printed upon the back of the transportation ticket issued to every alien immigrant, and a penalty of \$100 shall be incurred by and collected from any transportation company or individual engaged in the business of transporting aliens to or within the United States which shall violate this regulation after actual notice thereof from the Commissioner General of Immigration.

SEC. 2. That the first paragraph of section 3 of the Act of February 5, 1917, is amended to read as follows:

“SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more

attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; professional or habitual gamblers; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or of any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or of any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence

of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers, printed, published, or distributed in a foreign country; persons likely to become a public charge; persons who have been deported under any of the provisions of this Act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempts to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible."

SEC. 3. That section 9 of the Act of February 5, 1917, be amended so that said section shall read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was

afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this Act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this Act because unable to read, and if it shall appear to the satisfaction of the Secretary of Labor that those disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such alien from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is

located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisions or exceptions to section 3 hereof exempted from the excluding provisions of said section."

SEC. 4. That the fourth proviso in the third paragraph of section 3 of the Act of February 5, 1917, is amended to read as follows:

"*Provided further*, That skilled or domestic labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled or domestic labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such applications to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case; *And provided further*, That the board shall, as to domestic labor, prescribe the conditions and safeguards under which such importation may be had: *And provided further*, That if imported aliens of any given ethnic group arrive after the permissible number of immigrants from such ethnic group has already been admitted, they shall nevertheless be admitted, but such admissions shall be charged against the permissible immigration of said ethnic group for the following year."

SEC. 5. That section 19 of the Act of

February 5, 1917, is amended by adding in the eighteenth line after the words "at any time after entry," the following words:

"Any alien who shall be found to be a professional or a habitual gambler, any alien who shall be found to own, rent, or lease premises used as a place of gambling, and any alien employed in any capacity in connection with a place of gambling."

SEC. 6. That the first five lines of section 29 of the Act of February 5, 1917, are amended to read as follows:

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call an international conference, to assemble not later than the year 1922, and in his discretion, not oftener than decennially thereafter, at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement."

SEC. 7. That the fourth paragraph of section 4 of the Act of June 29, 1906, entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," is amended so as to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and

happiness of the same. It shall also be made to appear to the satisfaction of the court that said alien is able to speak the English language as specified in section 8 of the Act of June 29, 1906, is able to read and understand the textbook on citizenship authorized by the Immigration Board, as provided for in section 1a (9), of this Act, and accepts the ideals and principles therein persented. In the case, however, of aliens who show themselves qualified in all other respects and who on entering the United States were already thirty-five years of age or over, or who during their residence in the United States did not live in places providing aliens with facilities for acquiring the English language, the requirement of ability to read the English language may be waived at the discretion of the court. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required and the name, place of residence, and occupation of each witness shall be set forth in the record."

SEC. 8. That the Act of February 18, 1875, amending the Act of July 14, 1870, is amended to read as follows:

"The privilege of citizenship by naturalization is open to every alien who fulfills all the intellectual, moral, and technical requirements of the law."

SEC. 9. That this Act shall take effect and be enforced on and after its passage. All prior acts, or parts of acts inconsistent with any provision of this Act, or with any treaty obligations of the United States of America, are hereby repealed on and after the taking effect of this Act.